



November 14, 1995

VIA FEDERAL EXPRESS

Mr. Joseph Cosentino
OSC Removal Action Branch
Emergency and Remedial Division
U.S. Environmental Protection Agency
Region II
2890 Woodbridge Avenue
Edison, New Jersey 08837

Re: Bayonne Barrel & Drum Superfund Site, 150-154
Raymond Boulevard, Newark, Essex County, NJ

Dear Mr. Cosentino:

Minnesota Mining and Manufacturing Co. ("3M") is in receipt of the United States Environmental Protection Agency ("EPA") request for information pursuant to Section 104(e) dated September 28, 1995 and received by 3M on October 9, 1995. Pursuant to the request, 3M had 30 days to provide EPA with its response. 3M's outside counsel made a request to Mark Seidenberg, Esq. of the Office of Regional Counsel for an extension of 30 days to provide its response. However, Mr. Seidenberg only agreed to extend the due date for the response 15 days to November 15, 1995.

By letter dated October 10, 1995, 3M submitted a freedom of information request to the EPA requesting any and all documents in its possession concerning 3M's alleged nexus with the Bayonne Barrel & Drum site. By letter dated October 25, 1995, the EPA advised 3M that the Agency had 10 working days to respond to 3M's request and that a reply should be received shortly thereafter. As of the date of this letter 3M had not received any documents pursuant to its FOIA request.

In addition to the above, 3M's outside counsel made a request with the Bayonne Barrel & Drum hotline for any documents relating to 3M's alleged use of the Bayonne facility. By letter dated November 1, 1995 and received by our outside counsel on November 6, 1995, the EPA provided 3M with documents which it alleged "connected 3M Company...with the

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Bayonne Barrel & Drum Superfund Site...".¹ All of the documents provided to 3M by EPA evidences straight purchases of empty drums from Bayonne Barrel & Drum by 3M's Freehold and Newark facilities. There is no indication that any of the purchases were other than straight purchases or involved any hazardous substances whatsoever. Accordingly, based upon the documents, there is no alleged Comprehensive Environmental Response Compensation Liability Act ("CERCLA") nexus or connection to the site.

It is always 3M's objective to respond quickly to EPA information requests. However, as noted above, 3M did not receive the documents requested from the Bayonne hotline until November 6, 1995. Moreover, the company is still awaiting receipt of a response to its FOIA request. 3M is diligently searching for any documents concerning its use of the Bayonne facility. However, given 3M's current retention policy, many, if not all documents relating to any use of the Bayonne facility pre-1984² would most likely be destroyed. However, as stated, 3M is diligently reviewing its files to determine whether any documentation exists. Of course, all non-privileged documents will be provided to the EPA.

Based upon the documentation received from the EPA, it appears that 3M's Freehold and Newark facilities were customers of Bayonne Barrel & Drum. With respect to the Newark facility, 3M sold the operations in 1983 to Tony Stonis. 3M has attempted, and is in the process of, contacting present employees of 3M as well as former employees who may have worked at the Newark facility. Although 3M has confirmed that the Newark facility was a customer of Bayonne Barrel & Drum, given the short time period in which 3M had to respond, it has been unable to obtain any specific information concerning its operations and its alleged connection with Bayonne Barrel & Drum. As such, 3M is continuing its investigation and will supplement its responses as soon as possible.

As with the Newark facility, 3M has also terminated the operation of its Freehold facility. 3M is in the process of obtaining information concerning the operations of the Freehold facility and is also attempting to contact present employees who may have worked at the Freehold facility as well as former employees. As set forth above, 3M has confirmed that the Freehold facility was a customer of Bayonne Barrel & Drum. However, 3M is continuing to conduct its due diligence investigation and will supplement its responses accordingly.

¹ In the letter, the EPA stated that it could not ensure that there are not other documents which allegedly connect 3M with the site. As such, it is in the process of scheduling an appointment with Donna Murphy of the Bayonne Barrel & Drum Hotline to review the records at EPA's Edison, New Jersey facility.

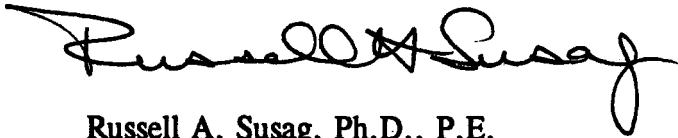
²3M has been advised that Bayonne Barrel & Drum terminated operations in 1984.

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The scope of many of the questions posed by the EPA in its request for information are overly broad, irrelevant and not limited to scope of time. 3M objects to the 104(e) request on this basis. However, subject to this objection, and with full reservation of any other objections to the questions posed, 3M encloses its initial response to EPA's 104(e) request.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell A. Susag". The signature is fluid and cursive, with a large, stylized "S" at the end.

Russell A. Susag, Ph.D., P.E.
Director, Environmental Regulatory Affairs
RAS:lah
Encl.

**RESPONSE OF MINNESOTA MINING AND MANUFACTURING
COMPANY TO THE INFORMATION REQUEST OF
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
DATED SEPTEMBER 28, 1995 FOR THE
BAYONNE BARREL & DRUM SITE**

In response to the Information Request of the United States Environmental Protection Agency ("EPA") relating to the Bayonne Barrel & Drum Site, dated September 28, 1995 and received by Minnesota Mining and Manufacturing ("3M") Office of General Counsel on October 10, 1995, 3M responds pursuant to 42 U.S.C. § 9601 et seq. ("CERCLA").

3M states that Russell H. Susag, Director, 3M Environmental Technology and Services, and other staff of 3M, including in-house counsel, and attorneys with Bressler, Amery and Ross, have been involved in preparing answers to these inquiries. Additionally, 3M refers EPA to Exhibit A for names of additional persons consulted. In further response to these Requests, 3M answers as follows:

PRELIMINARY STATEMENT

The responses and objections set forth herein are based upon the information currently available and known to 3M. 3M reserves all rights and objections to supplement or amend these responses.

General Objections

Defendants set forth their general objections in response to the 104(e) Request. Each response by 3M to the Requests shall be subject to the general objections set forth herein whether or not such objection is incorporated expressly into each response.

1. General Information About the Company

- a. State the correct legal name of the Company.

ANSWER: Minnesota Mining and Manufacturing Company ("3M")

- b. Identify the legal status of the Company (corporation, partnership, sole proprietorship, specify if other) and the state in which the Company was organized.

ANSWER: 3M is a Delaware corporation.

- c. State the name(s) and address(es) of the President and the Chairperson of the Board of the Company.

ANSWER: Objection. 3M objects to this request insofar as it is irrelevant. Without waiving this objection, see attached Annual Report (Exhibit B).

- d. If the Company has subsidiaries or affiliates, or is a subsidiary of another organization, identify these related companies and state the name(s) and address(es) of the President(s) and the Chairperson(s) of the Board of those organizations. Provide such information for any further parent/subsidiary relationships.

ANSWER: Objection. 3M objects to this request insofar as it is irrelevant. Without waiving this objection, see attached Annual Report (Exhibit B).

- e. If the Company is a successor to, or has been succeeded by, another company, identify such other company and provide the same information requested above for the predecessor or successor company.

ANSWER: Not applicable.

- f. If the Company transacted business with Bayonne Barrel & Drum in the name of an entity not disclosed above, give the name of such entity and state its relationship to the Company.

ANSWER: 3M objects to this request insofar as the term "business" has not been defined at this date. 3M has only confirmed that it purchased empty drums from Bayonne Barrel & Drum. Without waiving any objections and limiting its response to this "business." Not applicable.

2. Company's Relationship to Bayonne Barrel & Drum

- a. State whether the Company or any Company facility transacted any business with Bayonne Barrel & Drum for the disposal, treatment, or storage of any barrels, drums, or other containers (hereinafter collectively referred to as "Containers").

ANSWER: 3M objects to this request insofar as the term "business" has been defined. Without waiving any objections, see cover letter of Russell Susag, Ph.D., P.E. dated November 11, 1995.

- i. If so, describe the relationship (nature of services rendered or products sold to the Company) between the Company and Bayonne Barrel & Drum;

ANSWER: Id.

- ii. Provide copies of any contracts or agreements between the Company and Bayonne Barrel & Drum;

ANSWER: Id.

- iii. For each such facility, state the nature of the operations conducted at the facility, including the time period in which the facility operated; and

ANSWER: Id.

- iv. For each such facility, state its name, address, and current RCRA Identification Number.

ANSWER: Id.

- b. In addition, if the Company transacted business with Bayonne Barrel & Drum, provide the following information for each transaction:

- i. Identify the specific dates of each transaction. Where an exact date cannot be provided for a transaction, provide an approximation by month and year;

ANSWER: Id.

- ii. Identify the number of Containers that were the subject of each such transaction;

- iii. Generically describe each Container that was the subject of each such transaction (example: closed-head steel drums, etc.);

ANSWER: Id.

- iv. Identify the intended purpose of each such transaction;

ANSWER: Id.

- v. State whether each Container that was the subject of the transaction contained any substance at the time of the transaction. As to each Container that contained any substances: Id.

- (1) Identify each such substance, including its chemical content, physical state, quantity by volume and weight, and other characteristics; and
- (2) Provide all written analyses that may have been made for each such substance or which may be in the custody or control of the Company and all material safety data sheets, if any, relating to each such substance;

- vi. If you contend that any such Container did not contain any substance at the time of the transactions: Id.

- (1) State whether such Container had previously been used by the Company to contain any substance, and if so:
 - (a) Identify all substances previously contained within such Container, including its chemical content, physical state, and other characteristics; and
 - (b) Provide as to such substances, all written analyses that may have been made for each such substance or which may be in the custody or control of the Company and all material safety data sheets, if any, relating to each such substance;

- vii. Describe in detail any treatment of any Container that may have been performed by or on behalf of the Company prior to the time that the Container was transferred from the Company, including any process or procedure by which the Container was emptied or cleaned;

Id.

- viii. Provide copies of all documents relating in any way to each transaction, including copies of delivery receipts, invoices, or payment devices;

Id.

- ix. Identify all persons who might have knowledge of the transaction or who had any responsibility regarding the transaction; and

Id.

- x. If you sent any Container by means of any third party transporter, identify each such transporter, including the name and address of such transporter, and identify in which of the transactions such transporter acted.

Id.

3. Identify any other person (e.g., individual, company, partnership, etc.) having knowledge of facts relating to the questions which are the subject of this inquiry. For each such person that you identify, provide the name, address, and telephone number of that person, and the basis of your belief that he or she has such knowledge. For past and present employees, include their job title and a description of their responsibilities.

ANSWER: Charles Dabrowski
Ron North

4. Identify each person consulted in responding to these questions and correlate each person to the question on which he or she was consulted.

ANSWER: See Exhibit A.

5. Provide a list of all insurance policies and indemnification agreements held or entered into by you that may indemnify you against any liability that you may be found to have under CERCLA. Specify the insurer, type of policy, effective dates, and state per occurrence policy limits for each policy. Copies of policies may be provided in lieu of a narrative response. In response to this request, please provide not only those policies and agreements that are currently in effect, but also those in effect since your company began sending Containers to the Site.

ANSWER: 3M objects to this request to the extent it requests information that is irrelevant and not in accordance with law. 3M also objects to the extent it implies that 3M has any CERCLA liability with respect to the Site. Without waiving any

objections, 3M is currently self-insured and 3M is reviewing its insurance policies to determine which, if any, may relate to the Site. 3M is unaware of any indemnification agreements which would indemnify it against any liability under CERCLA.

6. State whether there exists any agreement or contract (other than an insurance policy) which may indemnify the Company, present or past directors, officers or owners of shares in the Company, for any liability that may result under CERCLA. Provide a copy of any such agreement or contract. Identify any agreement or contract that you are unable to locate or obtain.

ANSWER: Objection: 3M objects to this request to the extent it requests information that is irrelevant and not in accordance with law. 3M also objects to the extent it implies that 3M has any CERCLA liability with respect to the Site. Without waiving any objections, 3M is unaware of any such agreements or contracts.

7. Supply any additional information or documents that may be relevant or useful to identify other sources who disposed of or transported Containers to the Site.

ANSWER: 3M objects to this request to the extent it seeks information that is privileged. Without waiving any objections, 3M is unaware of any information or documentation that is responsive to this inquiry.

Exhibit A*

Mike Cooper
(Current 3M employee)

Charles Dabroski
(Current 3M employee)

Dwight Illk
(Current 3M employee)

Ed Getz
(Current 3M employee)

Joel Mickelson
(Current 3M employee)

Ron North
(Current 3M employee)

Catharine Palm
(Current 3M employee)

Robert Paschke
(Current 3M employee)

Dan Schmid
(Current 3M employee)

* These persons were contacted during 3M's investigations. If EPA determines that follow-up inquiries are needed, 3M will assist in making these persons available.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION


State of MINNESOTA

County of RAMSEY

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

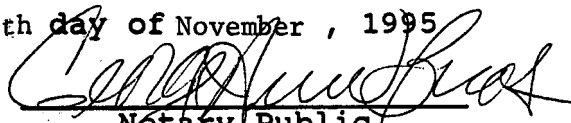
RUSSELL H. SUSAG
NAME (print or type)

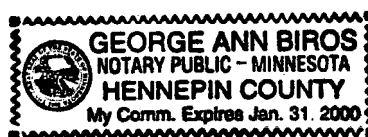
DIRECTOR, ENVIRONMENTAL
REGULATORY AFFAIRS
TITLE (print or type)


SIGNATURE

Sworn to me before this

14th day of November, 1995


Notary Public



3M

Annual Report 1994



Slumberg No. 5110

EXHIBIT

B